

## New Contact Lens Prescription Release Law

AB 2020 (Correa, Ch.814 - Stats. 2002) requires optometrists to release contact lens prescriptions (Rx) to new and established patients. The following summarizes this new legislation relative to consumer interests and the practice of optometry:

- A contact lens Rx expiration date shall not be less than one to two years from its issue date, unless a patient's history or current health (ocular or systemic disease) establishes reasonable probability of changes in vision of sufficient magnitude to necessitate a reexamination earlier than one year.
- If the Rx expiration date is less than one year, the health-related reasons for the limitation shall be documented in the patient's medical record. In no circumstance shall the Rx expiration date be less than the period of time recommended by the optometrist for a patient's reexamination.
- Rx's issued by an optometrist that are not consistent with this law's stated contact lens expiration date shall be regarded as unprofessional conduct by the Board.
- Upon eye exam completion or, if applicable, a contact lens fitting process (i.e., new patient) an optometrist shall provide the patient with a copy of his/her contact lens Rx signed by the optometrist.
- Optometrists shall retain discretion regarding the release of the contact lens Rx's for patients wearing these contact lenses: (1) Rigid gas permeables. (2) Bitoric gas permeables. (3) Bifocal gas permeables. (4) Keratoconus lenses. (5) Custom designed lenses that are manufactured for an individual patient and are not mass-produced.
- For patients ordering contact lenses from a seller other than a physician and surgeon, registered dispensing optician, or another optometrist, the optometrist or his/her representative shall - in the absence of an actual Rx - attempt to confirm the Rx through direct communication with the seller upon request.
- A contact lens Rx shall include sufficient information for the complete and accurate filling of the Rx including, but not limited to, the power, material and/or manufacturer, base curve or appropriate designation, diameter when appropriate, and an appropriate expiration date.
- If an optometrist prescribes a private label contact lens, the prescription shall include the name of the manufacturer, the trade name of the private label brand, and, if applicable, the trade name of the equivalent national brand.
- The contact lens fitting process begins after the initial comprehensive eye exam and includes an exam to determine the lens specifications via an initial evaluation of the patient's lens fit. This standard shall apply except in the case of an **established** patient Rx renewal or medically necessary follow-up exam.
- The contact lens fitting process ends when the optometrist determines that an appropriate fit has been achieved. In the case of a Rx renewal for an **established** patient, the process ends when the optometrist determines that there is no change in the Rx.
- Professional fee payment for an eye exam, evaluation, and a fitting may be required prior to Rx release but only if the optometrist requires immediate payment from **all** patients for service provided by himself/herself or his/her practice.
- An optometrist shall not charge a patient any fee as a condition for releasing **any** Rx. An optometrist may charge a fee for verifying ophthalmic goods dispensed by another seller if the fee is imposed at the time the verification is performed.

- It shall be considered a deceptive marketing practice for any optometrist to publish or cause to be published any advertisement relating to contact lenses that represents they may be obtained without confirmation of a valid Rx.
- Whenever an optometrist engages in acts or practices (Actual or Intended) that are an offense(s) against this law, the appropriate superior court may, on application of the Board, Attorney General, or county district attorney, issue an injunction or other restraining order.
- An optometrist who violates this law regarding release of an Rx shall be subject to a fine of \$1,000 to \$2,500 per violation. The fines collected from optometrists shall be deposited into the Optometry Trust Fund for appropriated administrative and enforcement Board purposes.
- Other than optometrists, physician and surgeons, and registered dispensing opticians, sellers will provide a toll-free telephone number, facsimile line, and electronic mail address that are dedicated to optometrists and their representatives for contact lens Rx confirmation. The numbers with an electronic mail address shall be included with communications that may occur with optometrists concerning the confirmation of a contact lens Rx.
- Contact lenses may be sold only with a written Rx or its copy. The lenses may also be sold in quantities consistent with the expiration date of the Rx and the standard packaging of the manufacturer/vendor. If the written Rx or its copy is not available to the seller, the seller shall confirm the Rx by direct communication with the optometrist or his/her representative prior to selling, shipping, mailing, or delivering lenses. The seller also shall maintain a record of the communication.
- An Rx shall be confirmed upon one of the following: (1) The optometrist or his/her representative confirms the Rx by communication with the seller. (2) The optometrist fails to communicate with the seller by 2 p.m. the next business day after the seller requests confirmation, or the optometrist fails to communicate with the seller by the next business day (each day except Sunday or a federal holiday) on or before the same time of day that the seller requested confirmation, whichever is sooner.
- If an optometrist communicates with a seller before the time period described immediately above elapses and informs the seller that the contact lens Rx is invalid, the seller shall not fill the Rx. The optometrist shall specify in the communication with the seller the basis for invalidating the Rx. A seller shall not alter any of the specifications of a contact lens prescription other than the color or substitute a different manufacturer, brand, or other physical property of the lens. However, if the contact lens is manufactured by a company and sold under multiple private labels by that company, the seller may fill the Rx with lenses manufactured by that company if the contact lens Rx and the related parameters are not substituted, changed, or altered for a different manufacturer or brand. Rex, does medical board enforce these laws?